75-5394

Supreme Court, U. S.
FILED
MAR 25 1976
MICHAEL RODAK, JR., CLERK

Texas Judicial Council
Capital Murder Study

June 14, 1973 - February 4, 1976

Texas Judicial Council
308 W. 15th St., Suite 312
Austin, Texas 78701
512/475-2421

Texas Judicial Council

Capital Murder Study

Article 1189 of Vernon's Texas Penal Code (1961) was held to be unconstitutional by the United States Supreme Court in the case of Furman v Georgia, 408 U.S. 238 (1972). This statute authorized the imposition of the death penalty in certain enumerated cases. Two of the opinions written in this case appear to indicate that the death penalty itself was unconstitutional per se, being violative of the Eighth and Fourteenth amendments to the United States Constitution. The remaining opinions seem to suggest that a statute carefully drafted to prevent the past "arbitrariness" of the sentencing authority resulting in the death penalty being so " . . . wantonly and freakishly imposed" could possibly pass constitutional muster.

The Texas Legislature in 1973 enacted the current capital murder statutes in an attempt to meet the constitutional requirements as announced by the Supreme Court. Under the provisions of these new statutes, only murder committed under certain aggravating circumstances is punished by death, and then only after a unanimous affirmative jury finding in certain ennumerated issues.

The Texas Court of Criminal Appeals upheld the constitutionality of this new death penalty statute in the case of Jurek v State, 522 SW2d 934(1975).

The subject statutes are as follows:

Vernon's Annotated Penal Code, Section 19.03, Capital Murder

(a) A person commits an offense if he commits murder as defined under Section 19.02(a) (1) of this code and:

(1) the person murders a peace officer or fireman who is acting in the lawful discharge of an official duty and who the person knows is a peace officer or fireman;

(2) the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated rape, or arson;

(3) the person commits the murder for remuneration or the promise of remuneration or employs another to commit the murder for remuneration or the promise of remuneration;

(4) the person commits the murder while escaping or attempting to escape from a penal institution; or

(5) the person, while incarcerated in a penal institution, murders another who is employed in the operation of the penal institution.

(b) An offense under this section is a capital felony.

(c) If the jury does not find beyond a reasonable doubt that the defendant is guilty of an offense under this section, he may be convicted of murder or of any other lesser included offense.

Vernon's Annotated Code of Criminal Procedure, Article 37.071 Procedure in capital case.

(a) Upon a finding that the defendant is guilty of a capital offense, the court shall conduct a separate sentencing proceeding to determine whether the defendant shall be sentenced to death or life imprisonment. The proceeding shall be conducted in the trial court before the trial jury as soon as practicable. In the proceeding, evidence may be presented as to any matter that the court deems relevant to sentence. This subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or of the State of Texas. The state and the defendant or his counsel shall be permitted to present argument for or against sentence of death.

(b) On conclusion of the presentation of the evidence, the court shall submit the following issues to the jury:

(1) whether the conduct of the defendant that caused the death of the deceased was committed deliberately and with the reasonable expectation that the death of the deceased or another would result;

(2) whether there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society; and

(3) if raised by the evidence, whether the conduct of the defendant in killing the deceased was unreasonable in response to the provocation, if any, by the deceased.

(c) The state must prove each issue submitted beyond a reasonable doubt, and the jury shall return a special verdict of "yes" or "no" on each issue submitted.

(d) The court shall charge the jury that:

(1) it may not answer any issue "yes" unless it agrees unanimously; and

(2) it may not answer any issue "no" unless 10 or more jurors agree.

(e) If the jury returns an affirmative finding on each issue submitted under this article, the court shall sentence the defendant to death. If the jury returns a negative finding on any issue submitted under this article, the court shall sentence the defendant to confinement in the Texas Department of Corrections for life.

(f) The judgment of conviction and sentence of death shall be subject to automatic review by the Court of Criminal Appeals within 60 days after certification by the sentencing court of the entire record unless time is extended an additional period not to exceed 30 days by the Court of Criminal Appeals for good cause shown. Such review by the Court of Criminal Appeals shall have priority over all other cases, and shall be heard in accordance with rules promulgated by the Court of Criminal Appeals.

The Texas Judicial Council has undertaken a study of the new capital punishment statutes and the results of that study are published herein. Questionnaires were directed, on February 4, 1976, to each prosecutor in the state who had jurisdiction of felony cases. The prosecutors were requested to indicate if any capital murder cases had gone to trial (a witness testified before a jury) in their respective jurisdictions between June 14, 1973 (the effective date of the current capital murder statute) and the date of the study. The prosecutors were further requested to complete a report on each case which had gone to trial between those dates. Cases in which an indictment for capital murder may have been disposed of by some means other than a jury trial are not included in this study, e.g. - defendant pleaded guilty to the court.

Responses were received from 69 Constitutional District Attorneys, 27 Criminal District Attorneys, and 23 County Attorneys with jurisdiction of felony cases. This accounts for all of the 254 counties

in the state. The responses indicate that 74 capital murder cases went to trial in 31 counties and that the remaining 223 counties had no capital murder trials. All of the responses received concerning capital murder trials are summarized in tabular form in the appendix of this report.

A review of the appellate status of these cases indicates that 13 of them have reached the Court of Criminal Appeals for review. Four of the cases reaching the court had been disposed of as of February 20, 1976 (2 affirmed and 2 reversed and remanded), while 9 were pending on the docket.

Results of the Study

Convictions

The death penalty was assessed in 42 cases and life imprisonment in 18 cases for a total of 60 cases in which defendants were convicted of capital murder. Of the remainder, 6 cases resulted in convictions for a lesser included offense, 5 resulted in mistrials because of hung jurys, and 3 verdicts of not guilty were returned.

Sentences

In the 60 cases which resulted in a conviction of capital murder special issues inquiring as to whether or not (1) the defendant's conduct had been deliberate and with the expectation of death and (2) there was a probability that the defendant would commit violent acts in the future were submitted. Both issues (1) and (2) were answered in the negative in 3 cases and in 12 cases issue (2) only was answered "No." In three cases, the defendant agreed to a life sentence following a conviction of capital murder by a jury. This accounts for the 18 life sentences. A third special issue, whether or not the defendant's action had been unreasonable in response to provocation, was submitted in a total of 27 cases and answered in the affirmative in every case.

Offense Charged

The most common offense charged under the capital murder statute was murder during the commission of a robbery. This category accounted for 26 of the 42 death sentences and 15 of the 18 life imprisonment sentences. Cases involving the murder of a peace officer

or fireman resulted in 6 death and 2 life sentences. Table I shows the type of dispositions associated with each of the offenses charged.

TABLE I. DISPOSITION BY TYPE OF CAPITAL MURDER OFFENSE CHARGED

	Robbery	Police/ Fireman	Burglary	Rape	Remuneration	Robbery/ Rape	Escape	Kidnap	Total
Guilty of Capital Murder									
- Death Sentence	26	6	3	3	2		1	1	42
- Life Sentence	15	2				1			18
Guilty of Lesser Included Offense									
- Murder	3	1							4
- Aggravated Robbery	1								1
- Attempted Capital Murder	1								1
Not Guilty	2				1				3
Mistrial - Hung Jury	4	1							5
TOTALS	52	10	3	3	3	1	1	1	74

Of the 52 cases in which capital murder during a robbery was charged, the responses indicate that at least 28 of these involved commercial establishments of which at least 9 were convenience food stores. The deaths of 6 city policemen, 2 state highway patrolmen, 1 deputy sheriff and 1 fireman were involved in the 10 cases in which capital murder of a peace officer or fireman was charged.

Representation of Defendants

Defendants charged with capital murder were represented by court appointed attorneys in 42 cases and by retained attorneys in 31 cases. The rate for conviction of capital murder of defendants

represented by court appointed attorneys was 93% (39 convictions out of 42 cases), while the corresponding rate for those represented by retained counsel was 65% (20 convictions out of 31 cases.) Once convicted of capital murder, the defendants represented by court appointed attorneys received the death sentence in 79% of the cases (31 out of 39) while defendants represented by retained counsel received the death sentence in 55% of the cases (11 out of 20). Tables II and III show the dispositions of cases involving appointed and retained attorneys.

TABLE II. APPOINTED ATTORNEYS*
DISPOSITION BY TYPE OF CAPITAL MURDER OFFENSE CHARGED

	Robbery	Police/ Fireman	Burglary	Rape	Remuneration	Robbery/ Rape	Escape	Kidnap	Total
Guilty of Capital Murder									
- Death Sentence	20	3	2	3	1		1	1	31
- Life Sentence	6	1				1			8
Guilty of Lesser Included Offense									
- Murder	2								2
- Aggravated Robbery									
- Attempted Capital Murder									
Not Guilty									
Mistrial - Hung Jury	1								1
TOTALS	29	4	2	3	1	1	1	1	42

* The five cases in which the defendant was represented by both retained and appointed attorneys are included in the retained category. There is one case in which it was not reported whether the defendant was represented by appointed or retained counsel.

TABLE III. RETAINED ATTORNEYS*
DISPOSITION BY TYPE OF CAPITAL MURDER OFFENSE CHARGED

	Robbery	Police/ Fireman	Burglary	Rape	Remuneration	Robbery/ Rape	Escape	Kidnap	Total
Guilty of Capital Murder									
- Death Sentence	6	3	1		1				11
- Life Sentence	8	1							9
Guilty of Lesser Included Offense									
- Murder	1	1							2
- Aggravated Robbery	1								1
- Attempted Capital Murder	1								1
Not Guilty	2				1				3
Mistrial - Hung Jury	3	1							4
TOTALS	22	6	1		2				31

* The five cases in which the defendant was represented by both retained and appointed attorneys are included in the retained category. There is one case in which it was not reported whether the defendant was represented by appointed or retained counsel.

Race/Ethnic Background of Defendants

There were 33 white, 30 black, and 11 Spanish surnamed defendants brought to trial before a jury on the charge of capital murder. There appears to be no significant correlation between a defendant's race/ethnic background and the probability that he will be convicted once he has been charged with capital murder. It also appears that there is no correlation between race/ethnic background and the probability of a defendant receiving the death penalty once he has been convicted of capital murder. Comparisons of race/ethnic background and disposition are presented in Table IV.

TABLE IV. DISPOSITION BY RACE/ETHNIC BACKGROUND

	White	Black	Spanish Surname	Total
Convicted of Capital Murder				
- Death Penalty	19(58%)	16(54%)	7(64%)	42(57%)
- Life Imprisonment	7(21%)	10(33%)	1(9%)	18(24%)
	26(79%)	26(87%)	8(73%)	60(81%)
Not Convicted of Capital Murder	7(21%)	4(13%)	3(27%)	14(19%)
TOTALS	33	30	11	74

Race/Ethnic Background of Victims

Only 9 of the 74 cases involved non- white victims. The death penalty was assessed in one of the 6 cases involving black victims and in all 3 cases involving victims with Spanish surnames. There is no attempt at further analysis because of the relatively small number of cases involving non-white victims.

Race/Ethnic Background of Jurors

In a significant number of cases (15), information regarding the race/ethnic background of the jurors was not available. Based on the available data, of the 16 black defendants sentenced to death, 9 cases had all white juries and 4 cases had blacks on the jury. Of the 7 defendants with Spanish surnames sentenced to death, 2 of the juries included jurors with Spanish surnames while 1 jury was all white. All white juries returned the death sentence in 58% of the cases that they heard (15 out of 26) while non-all white juries returned the death sentence in 55% of the cases (18 out of 33). Table V shows the dispositions by race/ethnic background of the juries.

TABLE V. DISPOSITION BY RACE/ETHNIC BACKGROUND OF JURIES

	All White	White/ Span.Surname	White/ Black	White/Black Span.Surname	Unknown	Total
White Defendants						
Convicted of Capital Murder						
- Death Penalty	5	5	1	4	4	19
- Life Imprisonment	4	2			1	7
Not Convicted of Capital Murder	1	3	1		2	7
	10	10	2	4	7	33
Black Defendants						
Convicted of Capital Murder						
- Death Penalty	9	1	3	1	2	16
- Life Imprisonment		3	4		3	10
Not Convicted of Capital Murder	3		1			4
	12	4	8	1	5	30
Spanish Surname Defendants						
Convicted of Capital Murder						
- Death Penalty	1	1	1	1	3	7
- Life Imprisonment	1					1
Not Convicted of Capital Murder	2	1				3
	4	2	1	1	3	11
All Defendants						
Convicted of Capital Murder						
- Death Penalty	15	7	5	6	9	42
- Life Imprisonment	5	5	4		4	18
Not Convicted of Capital Murder	6	4	2		2	14
	26	16	11	6	15	74

APPENDIX

COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Bowie Williams 202nd 12,615	Brazoria Rice 23rd 9,654	Cameron Korges 197th 74-CR-18C	Cameron Bird 197th 74-CR-18C
I. Attorneys	2 Appointed	2 Retained	1 Retained	2 Retained
II. Race/Ethnic Background				
1. Defendant	Black	Black	White	White
2. Victims	1 White	1 White	1 White	1 White
3. Jurors	11 White 1 Black	11 White 1 Black	6 White 6 Span. Surname	6 White 6 Span. Surname
III. Offense Charged	Murder During Robbery	Murder During Robbery	Murder During Robbery	Murder During Robbery
IV. Disposition	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder
V. Issues at Sentencing				
1. Deliberate Conduct W/Expect. of Death	No	Yes	Yes	Yes
2. Probability Future Violent Acts	No	No	No	Yes
3. Unreasonable Action Re. Provocation	Not Submitted	Not Submitted	Yes	Yes
VI. Capital Murder/ Sentence Imposed	Life	Life	Life	Death
VII. Nature of Case	Robbery of pawn shop	Robbery of store	Robbery	Robbery of residence
VIII. State Appellate Status	Not Received	Not Received	Not Received	Reversed and Remanded

COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Bexar Johnson 166th 74-CR-1749-B	Bexar Castro 144th 74-CR-2869-A	Bexar Garza 144th 73-CR-1332	Bowie Brown 202nd 12,615
I. Attorneys	2 Appointed	1 Appointed	2 Retained	2 Appointed
II. Race/Ethnic Background				
1. Defendant	Black	Span. Surname	Span. Surname	Black
2. Victims	3 White	1 White	1 White	1 White
3. Jurors	8 White 4 Span. Surname	6 White 6 Span. Surname	9 White 3 Span. Surname	11 White 1 Black
III. Offense Charged	Murder During Robbery	Murder During Robbery	Murder Of Peace Officer	Murder During Robbery
IV. Disposition	Guilty of Capital Murder	Guilty of Capital Murder	Mistrial - Hung Jury	Guilty of Capital Murder
V. Issues at Sentencing				
1. Deliberate Conduct W/Expect. of Death	Yes	Yes	n/a	No
2. Probability Future Violent Acts	No	Yes	n/a	No
3. Unreasonable Action Re. Provocation	Not Submitted	Not Submitted	n/a	Not Submitted
VI. Capital Murder/ Sentence Imposed	Life	Death	n/a	Life
VII. Nature of Case	Robbery of drug store	Robbery of clothing store	Attempted arrest at defendant's residence by city policeman	Robbery of pawn shop
VIII. State Appellate Status	Not Received	Not Received	Not Received	Not Received

	COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Childress Taylor 100th 2,924	Cochran Castillo 121st 650	Dallas White 199th F74-101-R	Dallas Livingston 199th F74-099-R
I.	Attorneys	2 Retained	1 Appointed	2 Appointed	2 Appointed
II.	Race/Ethnic Background				
	1. Defendant 2. Victims 3. Jurors	Black 1 White 12 White	Span. Surname 1 White 12 White	White 3 White Unknown	White 3 White Unknown
III.	Offense Charged	Murder During Robbery	Murder During Robbery	Murder During Robbery	Murder During Robbery
IV.	Disposition	Guilty of Murder	Guilty of Murder	Guilty of Capital Murder	Guilty of Capital Murder
V.	Issues at Sentencing				
	1. Deliberate Conduct W/Expect. of Death	n/a	n/a	Yes	Yes
	2. Probability Future Violent Acts	n/a	n/a	Yes	Yes
	3. Unreasonable Action Re. Provocation	n/a	n/a	Yes	Yes
VI.	Capital Murder/ Sentence Imposed	n/a	n/a	Death	Death
VII.	Nature of Case	Robbery of store	Robbery of service station	Robbery of store	Robbery of store
VIII.	State Appellate Status	Not Received	Not Received	Pending	Not Received

	COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Dallas Robinson 204th C74-3195-PN	Dallas Boulware 4th Cr.of Dallas C74-1299-QK	Dallas Chambers 4th Cr.of Dallas F75-4282-K	Dallas Jones 3d Cr.of Dallas D74-3583-PJ
I.	Attorneys	2 Appointed	1 Retained 1 Appointed	1 Retained 1 Appointed	2 Appointed
II.	Race/Ethnic Background				
	1. Defendant 2. Victims 3. Jurors	Black 1 White Unknown	White 1 White 12 White	Black 1 White 12 White	Black 1 White 12 White
III.	Offense Charged	Murder During Robbery	Murder Of Peace Officer	Murder During Robbery	Murder During Robbery
IV.	Disposition	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder
V.	Issues at Sentencing				
	1. Deliberate Conduct W/Expect. of Death	Yes	Yes	Yes	Yes
	2. Probability Future Violent Acts	Yes	Yes	Yes	Yes
	3. Unreasonable Action Re. Provocation	Yes	Yes	Yes	Yes
VI.	Capital Murder/ Sentence Imposed	Death	Death	Death	Death
VII.	Nature of Case	Robbery of store	Family disturbance call by city policeman	Robbery of individual	Robbery of convenience food store
VIII.	State Appellate Status	Pending	Pending	Not Received	Not Received

COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Dallas Hovila 194th C74-465-QM	Dallas Smith 195th C73-12659-IN	Dallas Hughes 5thCr.of Dallas C79-10214-HL	Dallas King 203rd C74-3172-P
I. Attorneys	2 Appointed	2 Appointed	1 Appointed 2 Retained	1 Appointed 1 Retained
II. Race/Ethnic Background				
1. Defendant 2. Victims 3. Jurors	Span. Surname 1 White Unknown	Black 1 White 12 White	Black 1 White 12 White	Black 1 White 12 White
III. Offense Charged	Murder During Robbery	Murder During Robbery	Murder Of Peace Officer	Murder of Peace Officer
IV. Disposition	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder
V. Issues at Sentencing				
1. Deliberate Conduct W/Expect. of Death	Yes	Yes	Yes	Yes
2. Probability Future Violent Acts	Yes	Yes	Yes	Yes
3. Unreasonable Action Re. Provocation	Yes	Yes	Yes	Yes
VI. Capital Murder/ Sentence Imposed	Death	Death	Death	Death
VII. Nature of Case	Robbery of individual	Robbery of convenience food store	Commercial burglary interrupted by city policeman	Attempt to apprehend traffic violator by city policeman
VIII. State Appellate Status	Reversed and Remanded	Affirmed	Pending	Not Received

COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Dallas Moore Cr. of Dallas C74-3180-PH	De Witt Jurek 24th 6404	Ector Burns 161st B-7459	Ector Ross 70th 22411
I. Attorneys	2 Appointed	2 Appointed	2 Appointed	2 Appointed
II. Race/Ethnic Background				
1. Defendant 2. Victims 3. Jurors	Black 1 White Unknown	White 1 White Unknown	White 1 White 12 White	Black 1 White 12 White
III. Offense Charged	Murder Involving Aggravated Rape	Murder Involving Kidnapping	Murder During Robbery	Murder of Peace Officer
IV. Disposition	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder
V. Issues at Sentencing				
1. Deliberate Conduct W/Expect. of Death	Yes	Yes	Yes	Yes
2. Probability Future Violent Acts	Yes	Yes	Yes	Yes
3. Unreasonable Action Re. Provocation	Yes	Not Submitted	Not Submitted	Yes
VI. Capital Murder/ Sentence Imposed	Death	Death	Death	Death
VII. Nature of Case	Commercial burglary, witness raped	Abduction of 10-year-old	Robbery of individual	Attempt to apprehend bank robbery suspects by highway patrolman
VIII. State Appellate Status	Pending	Affirmed	Pending	Pending

	COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Ector Gholson 70th 22,412	Fayette Springs 155th 6,624	Gregg Burke 124th 10,154-A	Harris Villarreal 182nd 233,429
I.	Attorneys	2 Appointed	Unknown	2 Retained	1 Appointed
II.	Race/Ethnic Background				
	1. Defendant	Black	White	White	Span. Surname
	2. Victims	1 White	1 Black	1 White	2 Span. Surname
	3. Jurors	12 White	Unknown	12 White	10 White 2 Black
III.	Offense Charged	Murder of Peace Officer	Murder During Robbery	Murder During Robbery	Murder During Robbery
IV.	Disposition	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder
V.	Issues at Sentencing				
	1. Deliberate Conduct W/Expect. of Death	Yes	n/a (defendant agreed to life sentence)	Yes	Yes
	2. Probability Future Violent Acts	Yes	n/a	No	Yes
	3. Unreasonable Action Re. Provocation	Yes	n/a	Yes	Yes
VI.	Capital Murder/ Sentence Imposed	Death	Life	Life	Death
VII.	Nature of Case	Attempt to apprehend bank robbery suspects by highway patrolman	Robbery	Robbery of motel	Robbery of convenience food store
VIII.	State Appellate Status	Pending	Not Received	Not Received	Not Received

	COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Harris Williams 184th 215,022	Harris Savage 184th 219,243	Harris Garcia 185th 219,306	Harris Cuevas 177th 219,833
I.	Attorneys	2 Retained	2 Retained	2 Appointed	2 Appointed
II.	Race/Ethnic Background				
	1. Defendant	Black	White	Span. Surname	Span. Surname
	2. Victims	1 White	1 White	1 White	2 White
	3. Jurors	12 White	12 White	Unknown	12 White
III.	Offense Charged	Murder During Robbery	Murder During Robbery	Murder During Robbery	Murder During Escape
IV.	Disposition	Mistrial-Hung Jury	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder
V.	Issues at Sentencing				
	1. Deliberate Conduct W/Expect. of Death	n/a	Yes	Yes	Yes
	2. Probability Future Violent Acts	n/a	No	Yes	Yes
	3. Unreasonable Action Re. Provocation	n/a	n/a	Not Submitted	Not Submitted
VI.	Capital Murder/ Sentence Imposed	n/a	Life	Death	Death
VII.	Nature of Case	Robbery of store	Robbery of individual	Robbery of convenience food store	Attempted escape from Texas Dept. Corrections
VIII.	State Appellate Status	Not Received	Not Received	Not Received	Not Received

	COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Harris Vargas 208th 214,988	Harris Riles 179th 223,217	Harris Bodde 178th 222,638	Harris Postell 182nd 217,535
I.	Attorneys	2 Appointed	2 Appointed	2 Appointed 1 Retained	2 Retained
II.	Race/Ethnic Background				
	1. Defendant 2. Victims 3. Jurors	Span. Surname White Unknown	Black 1 White 12 White	White 1 White 12 White	Black 1 White 9 White 3 Span. Surname
III.	Offense Charged	Murder During Robbery	Murder During Robbery	Murder During Robbery	Murder During Robbery
IV.	Disposition	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder
V.	Issues at Sentencing				
	1. Deliberate Conduct W/Expect. of Death	Yes	Yes	Yes	Yes
	2. Probability Future Violent Acts	Yes	Yes	Yes	No
	3. Unreasonable Action Re. Provocation	Not Submitted	Not Submitted	Not Submitted	Not Submitted
VI.	Capital Murder/ Sentence Imposed	Death	Death	Death	Life
VII.	Nature of Case	Robbery of convenience food store	Robbery of car lot	Robbery of individual	Robbery of church sponsored event
VIII.	State Appellate Status	Not Received	Not Received	Not Received	Not Received

	COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Harris O'Bryan 209th 220323	Harris Brock 178th 213,720	Harris Griffin 183rd Unknown	Harrison West 71st 9949-B
I.	Attorneys	2 Appointed	1 Appointed	2 Appointed	3 Retained
II.	Race/Ethnic Background				
	1. Defendant 2. Victims 3. Jurors	White 1 White 9 White 1 Black 2 Span. Surname	White 1 White 10 White 1 Black 1 Span. Surname	White 2 White 12 White	White 1 White 10 White 2 Black
III.	Offense Charged	Murder Involving Remuneration	Murder During Robbery	Murd. Involv.Robbery/Forc. Rape	Murder of Fireman
IV.	Disposition	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Murder
V.	Issues at Sentencing				
	1. Deliberate Conduct W/Expect. of Death	Yes	Yes	Yes	n/a
	2. Probability Future Violent Acts	Yes	Yes	No	n/a
	3. Unreasonable Action Re. Provocation	Not Submitted	Not Submitted	Not Submitted	n/a
VI.	Capital Murder/ Sentence Imposed	Death	Death	Life	n/a
VII.	Nature of Case	Poisoned minor for insurance proceeds	Robbery of convenience food store	Robbery and rape	Fire at tavern
VIII.	State Appellate Status	Not Received	Not Received	Not Received	Not Received

COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Harrison Woodkins 71st 1581	Hays Malott 22nd 8690	Hays Garnett 22nd 8690	Hays Scott 22nd 8690
I. Attorneys	2 Appointed	1 Retained	1 Retained	1 Retained
II. Race/Ethnic Background				
1. Defendant 2. Victims 3. Jurors	Black 1 White 10 White 2 Black	White 1 Black 11 White 1 Span. Surname	White 1 Black 11 White 1 Span. Surname	White 1 Black 11 White 1 Span. Surname
III. Offense Charged	Murder During Robbery	Murder During Robbery	Murder During Robbery	Murder During Robbery
IV. Disposition	Guilty of Capital Murder	Not Guilty	Mistrial-Hung Jury	Not Guilty
V. Issues at Sentencing				
1. Deliberate Conduct W/Expect. of Death	Yes	n/a	n/a	n/a
2. Probability Future Violent Acts	Yes	n/a	n/a	n/a
3. Unreasonable Action Re. Provocation	Yes	n/a	n/a	n/a
VI. Capital Murder/ Sentence Imposed	Death	n/a	n/a	n/a
VII. Nature of Case	Robbery of individual	Robbery of narcotics from individual	Robbery of narcotics from individual	Robbery of narcotics from individual
VIII. State Appellate Status	Not Received	Not Received	Not Received	Not Received

COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Hockley Lucio 121st 1,704	Jefferson Bell Cr. of Jefferson 31,679	Jefferson DeVries Cr. of Jefferson 31,085	Jefferson Chargois Cr. of Jefferson 31,564
I. Attorneys	1 Appointed	1 Retained	2 Retained	Appointed
II. Race/Ethnic Background				
1. Defendant 2. Victims 3. Jurors	Span. Surname 1 White 12 White	Black 2 White 10 White 2 Black	White 2 White 11 White 1 Black	Black 1 White 11 White 1 Black
III. Offense Charged	Murder During Robbery	Murder During Robbery	Murder During Burglary	Murder During Robbery
IV. Disposition	Guilty of Murder	Guilty of Capital Murder	Guilty of Capital Murder	Mistrial-Hung Jury
V. Issues at Sentencing				
1. Deliberate Conduct W/Expect. of Death	n/a	Yes	Yes	n/a
2. Probability Future Violent Acts	n/a	Yes	Yes	n/a
3. Unreasonable Action Re. Provocation	n/a	Not Submitted	Not Submitted	n/a
VI. Capital Murder/ Sentence Imposed	n/a	Death	Death	n/a
VII. Nature of Case	Robbery of service station	Robbery of individuals	Burglary of residence	Robbery of store
VIII. State Appellate Status	Not Received	Not Received	Not Received	Not Received

COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Lubbock Sanders 137th 15,713	McLennan Collins 54th 75-9-C	McLennan Corley 54th 75-291-C	Nacogdoches Palafox 145th 9803-75-9
I. Attorneys	2 Appointed	2 Appointed	2 Appointed	1 Retained
II. Race/Ethnic Background				
1. Defendant 2. Victims 3. Jurors	Black 2 White 11 White 1 Span. Surname	Black 1 White 12 White	White 1 White 11 White 1 Span. Surname	White 1 White 10 White 1 Black 1 Span. Surname
III. Offense Charged	Murder During Robbery	Murder During Robbery	Murder Involving Forcible Rape	Murder During Robbery
IV. Disposition	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder
V. Issues at Sentencing				
1. Deliberate Conduct W/Expect. of Death	Yes	Yes	Yes	Yes
2. Probability Future Violent Acts	No	Yes	Yes	Yes
3. Unreasonable Action Re. Provocation	Not Submitted	Yes	Not Submitted	Yes
VI. Capital Murder/ Sentence Imposed	Life	Death	Death	Death
VII. Nature of Case	Robbery of individuals	Robbery of convenience food store	Abduction and forcible rape	Robbery of residence
VIII. State Appellate Status	Not Received	Not Received	Not Received	Not Received

COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Lampasas Wolf 27th 4,558	Live Oak Skillern 36th 1,996	Live Oak Sanne 36th 1,996	Lubbock Warren 72nd 15,860
I. Attorneys	2 Retained	2 Appointed	1 Appointed	2 Appointed
II. Race/Ethnic Background				
1. Defendant 2. Victims 3. Jurors	White 1 Black 12 White	White 1 White 11 White 1 Span. Surname	White 1 White 11 White 1 Span. Surname	White White 11 White 1 Span. Surname
III. Offense Charged	Murder During Robbery	Murder During Robbery	Murder During Robbery	Murder During Burglary
IV. Disposition	Guilty of Aggravated Robbery	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder
V. Issues at Sentencing				
1. Deliberate Conduct W/Expect. of Death	n/a	Yes	Yes	Yes
2. Probability Future Violent Acts	n/a	Yes	No	Yes
3. Unreasonable Action Re. Provocation	n/a	Not Submitted	Not Submitted	Yes
VI. Capital Murder/ Sentence Imposed	n/a	Death	Life	Death
VII. Nature of Case	Robbery of residence	Robbery of undercover narcotics agent	Robbery of undercover narcotics agent	Burglary of residence
VIII. State Appellate Status	Not Received	Not Received	Not Received	Not Received

	COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Nueces Flores 105th 75-CR-147	Orange Blansett 128th A-8393	Pecos Hernandez 83rd 1,234	San Augustine Davis 1st 6,013
I.	Attorneys	2 Appointed	1 Appointed	2 Appointed	3 Retained
II.	Race/Ethnic Background				
	1. Defendant	Span. Surname	White	Span. Surname	Black
	2. Victims	Span. Surname	1 White	White	1 White
	3. Jurors	7 White 1 Black 4 Span. Surname	12 White	12 White	12 White
III.	Offense Charged	Murder During Robbery	Murder of Peace Officer	Murder During Robbery	Murder During Robbery
IV.	Disposition	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder	Mistrial-Hung Jury
V.	Issues at Sentencing				
	1. Deliberate Conduct W/Expect. of Death	Yes	No	Yes	n/a
	2. Probability Future Violent Acts	Yes	No	No	n/a
	3. Unreasonable Action Re. Provocation	Yes	Not Submitted	Yes	n/a
VI.	Capital Murder/ Sentence Imposed	Death	Life	Life	n/a
VII.	Nature of Case	Robbery of service station	City policeman killed by cross-fire during attempted jail escape	Robbery of motel	Robbery of store
VIII.	State Appellate Status	Not Received	Not Received	Not Received	Not Received

	COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Tarrant Miller Cr.#1 of Tarrant 7411-02457	Tarrant Whitmore Cr.#1 of Tarrant 3482A	Tarrant Tatty Cr.#1 of Tarrant 4086A	Tarrant Jackson Cr.#2 of Tarrant 7412-02921
I.	Attorneys	1 Retained	2 Retained	2 Retained	2 Retained
II.	Race/Ethnic Background				
	1. Defendant	White	White	White	Black
	2. Victims	1 White	1 White	1 White	1 White
	3. Jurors	Unknown	Unknown	Unknown	Unknown
III.	Offense Charged	Murder During Robbery	Murder Involving Remuneration	Murder Involving Remuneration	Murder During Robbery
IV.	Disposition	Guilty of Attmp. Capital Murder	Guilty of Capital Murder	Not Guilty	Guilty of Capital Murder
V.	Issues at Sentencing				
	1. Deliberate Conduct W/Expect. of Death	n/a	Yes	n/a	Yes
	2. Probability Future Violent Acts	n/a	Yes	n/a	No
	3. Unreasonable Action Re. Provocation	n/a	Yes	n/a	Not Submitted
VI.	Capital Murder/ Sentence Imposed	n/a	Death	n/a	Life
VII.	Nature of Case	Robbery of individual	Hired another	Hired by another	Robbery of convenience food store
VIII.	State Appellate Status	Not Received	Not Received	Not Received	Not Received

	COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Tarrant Granviel 213th 4111	Tarrant Battie Cr.#4 of Tarrant 3654A	Travis Jennings 147th 48,991	Travis Kleason 167th 48,462
I.	Attorneys	2 Appointed	2 Appointed	3 Retained	3 Retained
II.	Race/Ethnic Background				
	1. Defendant 2. Victims 3. Jurors	Black 1 Black 9 White 1 Black 1 Span. Surname 1 Other	Black 2 White 10 White 2 Black	Black 1 White 11 White 1 Black	White 2 White 12 White
III.	Offense Charged	Murder Involving Rape	Murder During Robbery	Murder of Peace Officer	Murder During Robbery
IV.	Disposition	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder	Guilty of Capital Murder
V.	Issues at Sentencing				
	1. Deliberate Conduct W/Expect. of Death	Yes	Yes	Yes	Yes
	2. Probability Future Violent Acts	Yes	Yes	No	Yes
	3. Unreasonable Action Re. Provocation	Not Submitted	Not Submitted	Yes	Not Submitted
VI.	Capital Murder/ Sentence Imposed	Death	Death	Life	Death
VII.	Nature of Case	Rape of 2 adults 4-year-old killed	Robbery of convenience food store	Attempt to arrest person on traffic warrant by city policeman	Robbery of individuals
VIII.	State Appellate Status	Not Received	Not Received	Not Received	Not Received

	COUNTY OF TRIAL NAME OF DEFENDANT DISTRICT COURT CAUSE NUMBER	Waller Bailey 9th 4,698	Waller Ards 9th 4,698		
I.	Attorneys	1 Retained	1 Retained		
II.	Race/Ethnic Background				
	1. Defendant 2. Victims 3. Jurors	Black 1 White Unknown	Black 1 White Unknown		
III.	Offense Charged	Murder During Robbery	Murder During Robbery		
IV.	Disposition	Guilty of Capital Murder	Guilty of Capital Murder		
V.	Issues at Sentencing				
	1. Deliberate Conduct W/Expect. of Death	n/a (defendant agreed to	n/a (defendant agreed to		
	2. Probability Future Violent Acts	n/a life)	n/a life)		
	3. Unreasonable Action Re. Provocation	n/a	n/a		
VI.	Capital Murder/ Sentence Imposed	Life	Life		
VII.	Nature of Case	Robbery	Robbery		
VIII.	State Appellate Status	Not Received	Not Received		